

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ERIC HINES,	:	
	:	
	:	
Plaintiff,	:	Civ. No. 20-3183 (NLH) (SAK)
	:	
v.	:	ORDER OF DISMISSAL
	:	
	:	
SHERITA LATIMORE-COLLIER, MD,	:	
et al.,	:	
	:	
Defendants.	:	

APPEARANCES:

Joseph D Lento, Esq.
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3000 Atrium Way
Suite 200
Mt. Laurel, NJ 08054

Attorneys for Plaintiff

HILLMAN, District Judge

WHEREAS, Plaintiff Eric Hines filed a pro se complaint under 42 U.S.C. § 1983 on March 24, 2020. ECF No. 1; and

WHEREAS, the Court granted Plaintiff's in forma pauperis application on September 28, 2020, ECF No. 5; and

WHEREAS, Counsel for Plaintiff entered an appearance on November 19, 2020, ECF No. 6; and

WHEREAS, the Court permitted the complaint to proceed in part on April 8, 2022, ECF No. 8. Under Federal Rule of Civil Procedure 4, Plaintiff was entitled to have the complaint served

on Defendants by the United States Marshal. Fed. R. Civ. P. 4(c)(3). Accordingly, the Clerk's Office sent U.S. Marshal Form 285 to counsel on April 8, 2022. ECF No. 9; and

WHEREAS, Plaintiff has not returned the completed forms to the Clerk's Office for service; and

WHEREAS, on July 13, 2022, the Court ordered Plaintiff to show cause in writing why the complaint should not be dismissed for failure to serve the complaint on defendants. ECF No. 11; and

WHEREAS, Plaintiff has not filed any response to the Order to Show Cause within the time set by the Court; and

WHEREAS, "Unless service is waived, proof of service must be made to the court." Fed. R. Civ. P. 4(l)(1). Plaintiff has not filed any proof of service on the docket, nor is there any indication that Defendants have waived service, Fed. R. Civ. P. 4(d); and

WHEREAS, "[i]f a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). The Court ordered the complaint to proceed on April 8, 2022, ECF No. 8, meaning the time for service expired July 7, 2022; and

WHEREAS, Plaintiff has not responded to the Court's Order to Show Cause,

IT IS therefore on this 8th day of August, 2022,

ORDERED that the complaint, ECF No. 1, be, and hereby is, dismissed without prejudice for failure to serve the complaint on defendants, Fed. R. Civ. P. 4(m). The Clerk shall close this matter.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.